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Attorneys for Edra D. Blixseth

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:	)	
	)	No. 08-61570-11-RBK
YELLOWSTONE MOUNTAIN CLUB, LLC,	)	
et al.,	)	Jointly Administered with 08-61571,
	)	08-61572, and 08-61573
Debtors.	)	
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TIMOTHY L. BLIXSETH,	)	
	)	Adversary No. 09-00014 and
Plaintiff,	)	consolidated with Adversary
	)	No. 09-00017
vs.	)	
	)	
MARC S. KIRSCHNER, TRUSTEE OF THE	)	
YELLOWSTONE CLUB LIQUIDATING	)	
TRUST,	)	
	)	
Defendant.	)	

SPECIAL APPEARANCE FOR OPPOSITION TO MOTION FOR SANCTIONS FOR  
SPOILIATION OF ELECTRONIC EVIDENCE

COMES NOW, Edra Blixseth, by and through her attorney of record, Gary S. Deschenes, and makes a special appearance in this Court due to the Motion that has been filed against them personally.

As the Court is aware, Mr. Blixseth and his counsel have made outrageous claims against Edra Blixseth, Gary Deschenes, Jory Russell, Sam Byrne, and others claiming a conspiracy and a spoliation of evidence. The only evidence that Mr. Blixseth has put forth in this Court is the partial testimony of the witness, Jory Russell, who admitted to deleting certain records which he also claimed were still on his laptop computer. Mr. Russell also has testified that neither Ms.

1 Blixseth, nor Mr. Deschenes ever told him to delete any records.

2       Regardless of the above, Ms. Blixseth and Gary Deschenes, as well as Jory Russell, are  
3 not parties to this action. Therefore, this counsel does not see any reason to respond to this  
4 Motion unless the Court so desires. This counsel and Ms. Blixseth only became aware of the  
5 filing of this Motion as Mr. Deschenes had put in an ECF notice when he earlier asked for a  
6 protective order regarding the deposition of Edra Blixseth. To this counsel's knowledge, neither  
7 Mr. Blixseth, nor his counsel, have bothered to inform Jory Russell that there is even such a  
8 Motion filed with the Court. It is obvious that this Motion was only filed in order to once again  
9 delay the trial in this matter. If Mr. Blixseth truly feels that he has a case against those he has  
10 accused, then he should file such an action so that those parties can properly defend themselves  
11 and bring proper counterclaims against Mr. Blixseth and whomever else was involved.

12       If the Court believes there is authority for those whom Mr. Blixseth has accused to  
13 respond in this Court, then Mr. Deschenes and Ms. Blixseth respectfully request the Court allow  
14 them additional time of thirty (30) days to send discovery on a shortened time period to Mr.  
15 Blixseth prior to their response. If, however, the Court agrees that the accused are not parties to  
16 this action, then they will not file anything further in this action.

17       DATED this 1st day of February, 2010.

18                                   DESCHENES & SULLIVAN LAW OFFICES

19                                   BY: /s/ Gary S. Deschenes  
20                                   Gary S. Deschenes  
21                                   Attorneys for Edra D. Blixseth  
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